

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105**

NOTICE OF AMENDMENT TO TEXT OF REGULATION

**RH05044654
May 9, 2006**

On August 12, 2005, California Insurance Commissioner John Garamendi issued a Notice of Proposed Action and Notice of Public Hearing, proposing the adoption of proposed amendments to regulations interpreting and making specific provisions of Insurance Code Section 758(c). The Department held public hearings and received oral and written public comments in response to the Notice.

PUBLIC COMMENT INVITED:

The Commissioner has proposed changes to Sections 2698.91 and the addition of section 2698.92 in response to public comments, and now solicits written comments on those changes only, which are attached. Comments submitted on unchanged portions of the regulations will not be considered.

The Commissioner believes the changes made are either nonsubstantial or solely grammatical in nature, or are sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. Accordingly, pursuant to the provisions of California Government Code Section 11346.8(c), the Commissioner is soliciting written public comment on the changes. A copy of the changes, with the proposed changes clearly indicated, is available for public comment for at least 15 days. Proposed additions to the original regulations submitted to the Office of Administrative Law (OAL) are reflected in double underlined text. Proposed deletions to the original regulations submitted to the OAL are reflected in ~~double strikeout~~.

CONTACT PERSONS:

All written comments submitted in response to this Notice and all general or substantive questions regarding this Notice should be directed to the following:

Teresa R. Campbell, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4126

If she is unavailable, inquiries may be addressed to the following backup contact person:

Tony Cignera, Division Chief, Consumer Services Division
California Department of Insurance
300 South Spring Street, 14th floor
Los Angeles, CA 90013
Telephone: (213) 346-6360

DEADLINE FOR WRITTEN COMMENTS:

All written materials must be received by the Insurance Commissioner, c/o the contact person at the address listed above, no later than **4:30 p.m. on June 2, 2006**

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE:

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: campbellt@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are sent to the contact person listed above at the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

AUTOMATIC MAILING:

A copy of this notice, together with the amended text of the proposed regulations, will automatically be sent to all those who testified at the public hearing, all those who submitted written comments at the public hearing, all persons whose comments were received during the public comment period, all persons who requested copies of information regarding the regulations, and all persons who requested notification of the availability of such changes.

WEBSITE POSTINGS:

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find, near the top of the leftmost column, the pull down menu under the heading "Quick Links." Select the "Legal Information" link. On the "Legal Information" page, click on the "Proposed Regulations" link. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter 'RH05044654' (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of a code section that the regulations implement (for instance, "758") or search by keyword ("labor rate" for example). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Auto Body Labor Rate Surveys" link, and click it. Links to the documents associated with these regulations will then be displayed.

Dated: May 9, 2006

JOHN GARAMENDI
Insurance Commissioner

By _____
Teresa R. Campbell
Staff Counsel